

Attorney Docket No. 05725.1255-00

In re Application of:

Frédéric LEGRAND

Group Art Unit: 1619

Application No.: 10/690.563

Examiner: Venkat. Jyothsna A.

Filed: October 23, 2003

Confirmation No.: 6452

For: OIL-IN-WATER OXIDIZING
CREAM EMULSION FOR
TREATING HUMAN KERATIN
FIBERS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

1. I, Gautier DECONINCK, do hereby make the following declaration:
2. I am a French citizen residing at 17 rue Marcelin Berthelot 95210 St

Gratien

3. I have been awarded a degree in **Chemistry/formulation** from the university of Lille 1

4. I have been employed by L'ORÉAL since 06th January 2003 and I am presently head of the hair bleaching and oxidizing products development laboratory at L'ORÉAL. During my employment at L'ORÉAL, I have been engaged in research and development regarding hair dyeing, bleaching and oxidizing products.

5. I understand the rejections made in the Advisory Action dated December 30, 2010, in Application No. 10/690,563.

6. Given my education and experience, particularly in the area of hair bleaching and oxidizing products, I consider myself able to provide the following testimony based on experiments conducted by me or under my direct supervision.

COMPARATIVE EXPERIMENTS

7. The three oxidizing compositions A, B, and C below were prepared.

	Composition A according to the present claims	Composition B (state of the art)	Composition C (state of the art)
Cetyl alcohol	3	-	3
Sodium lauryl sulphate	0.5	0.5	-
Oleth-3	0.45	0.45	-
Oleth-5	0.35	0.35	-
Antifoam: Simethicone	0.045	-	0.045
Sequestering agent: DTPA	0.06	0.06	0.06
Tetrasodium pyrophosphate 10 H ₂ O	0.02	0.02	0.02
Sodium stannate, 6 H ₂ O	0.04	0.04	0.04
Copolymer of AMPS/C16-C18 alkyl methacrylate oxyethylenated with 25 mol of ethylene oxide, crosslinked [Aristoflex HMS]	0.05 AM	0.05 AM	0.05 AM
Aqueous 50% hydrogen peroxide solution	12 AM	12 AM	12 AM
Aqueous 85% phosphoric acid solution	Qs pH=3	Qs pH=3	Qs pH=3
water	Qs 100	Qs 100	Qs 100

AM means active matter

8. After three days at room temperature (23 °C) the characteristics of the Composition A according to the disclosure and the comparative Compositions B and C are summarized below:

TABLE I

Composition A	Composition B	Composition C
White cream that is smooth and homogeneous	Liquid is opaque, opalescent and homogeneous	Not stable, dephased with creaming of fatty compounds
Viscosity 600 cps	Viscosity 1 cps	Viscosity 3 cps

9. The composition according to the disclosure (Composition A) had a viscosity at 25°C of 600 cps (measured with Rheomat Mettler RM180), while the viscosity of the comparative compositions was much lower (1 and 3 cps).

10. Thus, Composition A has desired staying ability on keratin material while Compositions B and C do not due to their low viscosity. In addition to low viscosity, Composition C was also unstable.

11. It is therefore clear that Composition A according to the disclosure is stable and more viscous. These properties render the composition of the disclosure desirable as dyeing composition.

Conclusion

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 06th October 2010

By: Gautier DECONINCK

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a vertical line and a small flourish at the bottom.